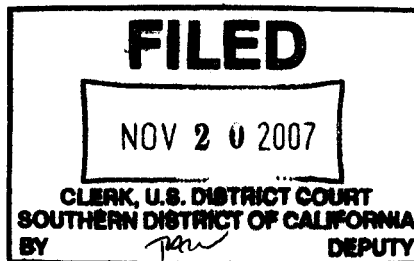


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8057



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8940

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Daniel LEYVA,

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960

Importation of a Controlled Substance  
(Felony)

The undersigned complainant being duly sworn states:

That on or about November 19, 2007, within the Southern District of California, defendant Daniel LEYVA, did knowingly and intentionally import approximately 22.44 kilograms (49.37 pounds) of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

A handwritten signature in cursive script, appearing to read "L. Mulvihill", written over a horizontal line.

LORENA MULVIHILL  
Special Agent  
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, November 20, 2007.

A handwritten signature in cursive script, appearing to read "Peter C. Lewis", written over a horizontal line.

PETER C. LEWIS  
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.  
Daniel LEYVA

3 STATEMENT OF FACTS

4 This complaint is based on the personal observations, investigation, and information  
5 furnished to U.S. Immigration and Customs Enforcement Special Agent Lorena Mulvihill.

6 On November 19, 2007, at approximately 1745 hours, Customs and Border Protection  
7 Officer (CBPO) E. Chong was assigned to primary lane two at the Calexico, California East Port  
8 of Entry when a 1994 black Chevrolet Camero bearing California license plate 4KVV011  
9 approached for entry.

10 CBPO E. Chong encountered the operator, registered owner and sole occupant of the  
11 vehicle, Daniel LEYVA. CBPO E. Chong received a negative Customs declaration from  
12 LEYVA and referred LEYVA and the vehicle to the vehicle secondary lot for further  
13 examination.  
14

15 In the vehicle secondary area, CBPO Tolentino assumed responsibility for searching the  
16 vehicle and requested Customs Border Protection Canine Enforcement Officer M. McGee to  
17 screen the vehicle with his Narcotic Detector Dog (NDD). The NDD alerted to the rear of the  
18 vehicle by sitting and staring at the rear bumper.

19 During examination of the vehicle, CBPO Tolentino discovered several packages  
20 concealed with in the gas tank of the vehicle. CBPO Tolentino probed a package exposing a  
21 green leafy substance, which field-tested positive for marijuana. A total of seventeen (17)  
22 packages, with a total weight of 22.44 kilograms (49.37 pounds) were removed from the vehicle.

23 LEYVA was advised of his rights per Miranda. LEYVA stated that he understood his  
24 rights and was willing to waive his rights and make a statement. LEYVA admitted knowledge of  
25 the marijuana found in the vehicle. LEYVA stated he was to be paid \$1000.00 for this  
26 smuggling venture.  
27  
28  
29